

**SECTIONS OF FEDERAL, FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23901-24000**

Adulteration, Section 402 (a) (2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and/or (2) an accurate statement of the quantity of contents; Section 403 (g) (1), the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard; Section 403 (h) (1), the article purported to be and was represented as a food for which a standard of quality has been prescribed by regulations, and its quality fell below such standard; Section 403 (i) (1), the article was not subject to the provisions of Section 403 (g) and its label failed to bear the common or usual name of the food; Section 403 (i) (2), the article was not subject to the provisions of Section 403 (g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses; Section 403 (k), the article contained a chemical preservative, and it failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIAL*

23901. Lemonade base. (F. D. C. No. 39785. S. No. 58-025 M.)

QUANTITY: 99 cases, 48 6-oz. cans each, at Omaha, Nebr.

SHIPPED: In 1950, from Anaheim, Calif.

LIBELED: 12-5-56, Dist. Nebr.

CHARGE: 402 (a) (3)—while held for sale, the article was unfit for food because of its unpalatable odor and flavor; and 403 (a)—the label statement "Provides

*See also Nos. 23962-23965, 23977.

the minimum daily adult requirement of 30 milligrams Vitamin C" was false and misleading since the article did not contain the declared amount of Vitamin C.

DISPOSITION: 1-9-57. Default—destruction.

23902. Tea. (F. D. C. No. 39798. S. No. 39-914 M.)

QUANTITY: 23 chests at New Orleans, La.

SHIPPED: 11-21-56, from Chicago, Ill. This was a return shipment.

LIBELED: 11-30-56, E. Dist. La.

CHARGE: 402 (a) (3)—the article, when shipped, was unfit for food by reason of mustiness.

DISPOSITION: 2-11-57. Consent—claimed by S. A. Wald & Co., Inc., New York, N. Y. Segregated; of 2,639 lbs. actually seized, 184 lbs. were destroyed.

23903. Tea. (F. D. C. No. 40060. S. No. 53-248 M.)

QUANTITY: 36 chests, 4,082 lbs. total, at Galveston, Tex.

SHIPPED: 1-5-57, from Seatrain, N. J.

LIBELED: On or about 3-25-57, S. Dist. Tex.

CHARGE: 402 (a) (3)—contained moldy tea leaves and clumps of moldy leaves while held for sale.

DISPOSITION: 3-29-57. Consent—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

23904. Bread and rolls. (F. D. C. No. 40136. S. Nos. 60-835/9 M.)

INDICTMENT RETURNED: 10-4-57, Dist. Mass., against Andrew J. Puglise, t/a Tower Hill Bakery, Lawrence, Mass.

SHIPPED: Between 1-9-57 and 1-11-57, from Massachusetts to New Hampshire.

LABEL IN PART: (Pkg.) "Vienna Enriched Rolls" "French [or "Italian"] Enriched Bread."

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-14-57. Fine of \$400 and sentence of 1 year in jail. The fine and jail sentence were suspended and the defendant was placed on probation for 2 years.

FLOUR*

23905. Cookie flour. (F. D. C. No. 39909. S. No. 38-786 M.)

QUANTITY: 225 100-lb. bags at Jackson, Tenn., in possession of the Lucky Food Corp.

SHIPPED: 11-20-56, from Yukon, Okla.

LIBELED: 1-3-57, W. Dist. Tenn.

CHARGE: 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

*See also Nos. 23919, 23972.